

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|---------------------------|---|----------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | 4:12CR3024 |
| |) | |
| v. |) | |
| |) | |
| EARL G. ARNOLD, |) | MEMORANDUM AND ORDER |
| |) | |
| Defendant. |) | |

The defendant has moved to continue the pretrial motion deadline. Filing No. 21. Defense counsel explains he needs additional time to review the Rule 16 material, evaluate and investigate the allegations contained in the indictment, determine the necessity of filing any pretrial motions, and effectively prepare for trial. Based on the showing set forth in the defendant's motion, the court finds the motion should be granted.

IT IS ORDERED:

- 1) The defendant's motion to continue, (filing no. 21), is granted.
- 2) The defendant's pretrial motions and briefs shall be filed on or before May 7, 2012.
- 3) The trial of this case is continued pending resolution of any pretrial motions filed.
- 4) Based on the showing set forth in the defendant's motion, the court finds the ends of justice served by granting defendant's motion to continue outweigh the interests of the public and the defendant in a speedy trial, and the additional time arising as a result of the granting of the motion, the time between April 6, 2012 and May 7, 2012, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, for the reason that the parties require additional time to adequately prepare the case, taking into consideration due diligence of counsel, the novelty and complexity of the case, and the fact that the failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 9th day of April, 2012.

BY THE COURT:
s/ Cheryl R. Zwart
United States Magistrate Judge